

SUPREME COURT OF ILLINOIS

TUESDAY, NOVEMBER 22, 2011

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.24670 - In re: Alan J. Bernstein. Disciplinary Commission.

The petition by respondent Alan J. Bernstein for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law for ninety (90) days, as recommended by the Review Board.

Suspension effective December 13, 2011.

Respondent Alan J. Bernstein shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24715 - In re: Marlin E. Kirby. Disciplinary Commission.

The petition by respondent Marlin E. Kirby for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law for six (6) months and until he successfully completes the Attorney Registration and Disciplinary Commission Professionalism Seminar, as recommended by the Review Board.

Suspension effective December 13, 2011.

Respondent Marlin E. Kirby shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24809 - In re: Bernard James Conway. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Bernard James Conway is suspended from the practice of law for ninety (90) days.

Suspension effective December 13, 2011.

Respondent Bernard James Conway shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24836 - In re: James Bertin Zaczek. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, respondent James Bertin Zaczek is suspended from the practice of law for six (6) months, with the suspension stayed in its entirety by a one (1) year period of probation subject to the following conditions:

a. Respondent shall establish and utilize a system for handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including:

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately;

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents, which must be preserved for seven (7) years:

Bank statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and billing records; and

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements, settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payment to other lawyers or non-employees for services rendered.

Reconciliation - There must be a running balance maintained for all ledger and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years.

b. During the period of probation, respondent shall meet with the Administrator's representative on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with the conditions of his probation;

c. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

d. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

e. Respondent shall reimburse the Commission for the costs of this proceeding, as defined in Supreme Court Rule 773, and shall reimburse the Commission for any further costs incurred during the period of probation; and

f. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence on the date of the determination that any term of probation has been violated.

Respondent James Bertin Zaczek shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.24837 - In re: Roger L. Brown. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board that Roger L. Brown be suspended from the practice of law for sixty (60) days and until he opens an IOLTA bank account and successfully completes the Attorney Registration and Disciplinary Commission Professionalism Seminar within six (6) months of the final order of discipline is denied. This cause is remanded to the Commission for further proceedings.

Order entered by the Court.

M.R.24851 - In re: Samir Zia Chowhan. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Samir Zia Chowhan is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.24869 - In re: Gregg William Bittner. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Gregg William Bittner is suspended from the practice of law for six (6) months.

Suspension effective December 13, 2011.

Respondent Gregg William Bittner shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24872 - In re: Michael Scott McDonald. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Michael Scott McDonald is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.24881 - In re: Ernest Eugene Wiley, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Ernest Eugene Wiley, Jr. is suspended from the practice of law for two (2) years and until further order of the Court, with all but the first five (5) months stayed by probation on the condition that respondent, Ernest Eugene Wiley, Jr., makes restitution during the first five (5) months of suspension, to Lester and Jimmy Grant in the amount of \$1,000 in satisfaction of the judgment against him and in favor of Lester and Jimmy Grant plus any interest on the judgment, and to Shatrion Hill in the amount of \$1,220, with the probation subject to the following conditions:

a. During the period of suspension and the period of probation, respondent shall continue treatment with Dr. Bernard Glos or another medical professional approved by the Administrator ("the doctor"). Respondent shall comply with recommendations of the doctor as to the nature and frequency of treatment. Respondent shall maintain a log of the dates and times of his attendance at treatment sessions;

b. Respondent shall provide to the doctor an appropriate release authorizing the doctor as follows: (1) on at least a quarterly basis, to disclose to the Administrator information pertaining to respondent's participation and progress in treatment; (2) to respond to the Administrator's inquiries concerning respondent's mental or emotional state and compliance with any treatment plan;

c. During the first month of probation, respondent shall enroll in and thereafter successfully complete a law office management program sponsored by the Chicago Bar Association or the Cook County Bar Association and, upon enrollment, notify the Administrator, in writing, of the name, address and telephone number of the attorney with whom he has been assigned to work;

d. Through his participation in the law office management program, respondent shall establish and utilize the following:

(1) a diary and docketing system in accordance with the requirements established by the program; and

(2) a system by which telephone calls are noted and returned in a timely manner;

e. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

(1) disclose to the Administrator, on a quarterly basis, by way of signed reports, information pertaining to respondent's compliance with the program, including the conditions described in subparagraph (d);

(2) report promptly to the Administrator the failure of respondent to comply with any part of the program; and

(3) respond to any inquiries by the Administrator regarding respondent's compliance with the program;

f. Respondent shall attend and successfully complete the Attorney Registration and Disciplinary Commission Professionalism Seminar;

g. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773;

h. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

i. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

j. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

k. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation described above, and respondent shall be suspended for the entire two (2) year period, commencing on the date that probation is revoked and until further order of the Court.

Suspension effective December 13, 2011.

Order entered by the Court.

M.R.24882 - In re: David W. Weissmiller. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent David W. Weissmiller is censured.

Order entered by the Court.

M.R.24889 - In re: Corey Edward Meyer. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent Corey Edward Meyer is suspended from the practice of law for four (4) months.

Suspension effective December 13, 2011.

Respondent Corey Edward Meyer shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24905 - In re: Lisa Theresa Thompson. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Lisa Theresa Thompson is suspended from the practice of law for nine (9) months and until further order of the Court.

Order entered by the Court.

M.R.24906 - In re: Stephen C. Debboli. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Stephen C. Debboli is suspended from the practice of law for five (5) months, with the suspension stayed after sixty (60) days by a two (2) year period of probation, subject to the following conditions:

a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

c. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

d. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining three (3) month period of suspension shall commence from the date of the determination that any term of probation has been violated;

e. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

f. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

g. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

h. Respondent shall continue in his course of treatment with Dr. Egan, or such other qualified mental health professional acceptable to the Administrator, and shall report to Dr. Egan, or such other qualified mental health professional, on a regular basis of not less than once per month, with the Administrator advised of any change in attendance deemed warranted by such professional;

i. Respondent shall comply with all treatment recommendations of Dr. Egan or such other qualified mental health professional, including the taking of medications as prescribed; and

j. Respondent shall provide to Dr. Egan, or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans.

Suspension effective December 13, 2011.

Order entered by the Court.

M.R.24907 - In re: Guy M. Petruzzelli. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Guy M. Petruzzelli is disbarred.

Order entered by the Court.

M.R.24910 - In re: Christopher Anthony Millet. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Christopher Anthony Millet is disbarred.

Order entered by the Court.

M.R.24927 - In re: Leonard Mason. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.24928 - In re: Andrew Warren Peters. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.24952 - In re: Timothy James Winfield. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Timothy James Winfield is suspended from the practice of law for two (2) years and until further order of the Court, with the suspension stayed in its entirety by a two (2) year period of probation, subject to the following conditions:

a. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

c. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

d. Respondent shall participate in a 12-step program such as Alcoholics Anonymous, by attending at least two meetings a week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

e. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

f. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;

g. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

h. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

i. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

j. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

k. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and

l. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The two (2) year period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.

M.R.24953 - In re: Ross Alexander. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Ross Alexander is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.24959 - In re: Robert Vincent Gildo. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Robert Vincent Gildo is suspended from the practice of law for sixty (60) days.

Suspension effective December 13, 2011.

Respondent Robert Vincent Gildo shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.